

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LINDA ECKERT BALLARD,

Plaintiff,

v.

CIV 10-886 JCH/WDS

THE GEO GROUP, INC., a corporation licensed to do business in the State of New Mexico; MIKE MARTIN, Warden The GEO Group, Inc., Northeastern New Mexico Detention Facility, personal and professional capacity; LIEUTENANT GRAYSON, employee: The GEO Group, Inc., Northeastern New Mexico Detention Facility, personal and Professional capacity; DEBRA VEGA-COWAN, The GEO Group, Inc., Northeastern New Mexico Detention Facility and employee: Tri-County Community Services, Inc., personal and professional capacity,

Defendants

ORDER

This matter is before the Court on Plaintiff's Motion For Default Judgment. (Doc. 151) The Court has read Plaintiff's motion and, construing it liberally, views it as a motion to compel discovery, not as a motion for default judgment. The provisions of the Federal Rules of Civil Procedure that Plaintiff cites regarding the entry of default for discovery violations might apply where a party has repeatedly ignored orders entered by the Court regarding the production of discovery material, but the Court is unaware of any discovery orders that have been violated by Defendants, and Plaintiff cites to none. While Plaintiff apparently believes that various Defendants have not responded thoroughly enough to her discovery requests, she has neither attached her requests or Defendants' responses.

There is an issue, however, that the Court can discern from Plaintiff's pleadings, and that is the matter of the existence or not of videotape or digital surveillance media from the night that Plaintiff was detained. If such a video exists, it should be produced. If such a video existed at one

time, but no longer exists, the circumstances of the unavailability of the video should be explained by the Defendants. Accordingly, the Court deems the instant Motion to be a Motion to Compel regarding the status of video surveillance tapes (or digital media) and orders the Defendants to investigate this matter and respond to Plaintiff concerning their findings. If Plaintiff is dissatisfied with the response, she may further petition the Court.

IT IS SO ORDERED that Plaintiff's Motion (Doc. 151) is deemed a motion to compel, and is granted in part and denied in part, as set out above.

A handwritten signature in black ink, appearing to read 'W.D. Schneider', written over a horizontal line.

W. Daniel Schneider
UNITED STATES MAGISTRATE JUDGE